

Remarks

Claims 1-20 are at issue. Claims 1-6, 10, 13 and 15-19 stand rejected under 35 USC 102(b) as being anticipated by Pace et al (5,259,528). Claims 1-6 stand rejected under 35 USC 102(b) as being anticipated by Young, Sr. (5,118,063). Claims 1-6, 10, 13 and 15-19 stand rejected under 35 USC 102(b) as being anticipated by Panta Chica (D 398,480). Claims 7-9 stand rejected under 35 USC 103(a) as being unpatentable over Panta Chica in view of Chantaca, Wright and Howell. Claims 11, 12 and 14 stand rejected under 35 USC 103(a) as being unpatentable over Pace and Panta Chica in view of Chantaca, Wright and Howell. Claim 20 stands rejected under 35 USC 103(a) as being unpatentable over Pace, Young and Panta Chica in view of de Chollet, Williamson and MacGregor.

The Examiner has objected to claim 20 because the features were missing from the figures. FIG. 1 has been modified to show the features and a substitute paragraph has been included. No new matter has been added and the objection should be withdrawn.

Claim 1 requires that the housing be substantially pear shaped. The reason for this is it allows efficient layout of the trays in the horizontal direction on a serving preparation table or for shipping in a container as shown in FIG. 7. See page 5 of the specification. Pace, FIG. 1, clearly shows a housing that does not stack efficiently in the horizontal direction and is clearly not pear shaped. FIG. 1 of Young, clearly shows a housing that does not stack efficiently in the horizontal direction and is clearly not pear shaped. FIG. 1 of Panta Chica, clearly shows a housing that does not stack efficiently in the horizontal direction and is clearly not pear shaped. Claim 1 is allowable.

Claim 2 requires that the cup well have plurality of structural ribs. The structural ribs 24 can be seen in FIG. 1 of the specification of the present application. While there are structural ribs 19 in Pace, neither Young or Panta Chica show structural ribs, thus these rejections must be withdrawn. Claim 2 is allowable as being based upon an allowable base claim.

Claim 3 requires the cup well to have a plurality of compressible ribs. The Examiner points to element 17 of Pace. However, FIG. 2 of Pace clearly shows that 17 is not a rib and is not compressible. Panta Chica does not show compressible ribs and the Examiner has not pointed to any structure in Panta Chica to support the rejection. Young has three coaxial bores 24, 27 and 30 but these are not ribs. Claim 3 is clearly allowable over the prior art.

Claim 4 requires an arch in the bottom of the food well. The arch 36 can be seen in FIG. 3 of the present application and allows the user to rest the tray on their forearm. (See Page 5, first paragraph of the specification.) The Examiner states that Pace shows the convex curve is a cutout at an end of the arch. This is clearly incorrect. There is no arch in the food well 15 of Pace. The rejection must be withdrawn. Young has a food well 12 that clearly does have an arch. Panta Chica shows an arch in FIG. 1, but FIG. 3 makes it clear that the arch is not part of the food well. Claim 4 is clearly allowable.

Claim 5 requires a cutout at the end of the arch. As clearly explained above none of the prior art references cited by the Examiner show an arch, so they cannot show a cutout in the arch. Claim 5 is allowable.

Claim 6 requires that the food well have a lip along the top edge. The lip 30 is shown in FIG.s 1 & 3 and is designed to receive a lid 28. None of the prior art references have lip along the top edge of the food well. Claim 6 is allowable

Claims 7-9 are allowable as being dependent upon an allowable base claim.

Claim 10 requires that the housing be substantially pear shaped. The reason for this is it allows efficient layout of the trays in the horizontal direction on a serving preparation table or for shipping in a container as shown in FIG. 7. See page 5 of the specification. Pace, FIG. 1, clearly shows a housing that does not stack efficiently in the horizontal direction and is clearly not pear shaped. FIG. 1 of Young, clearly shows a housing that does not stack efficiently in the horizontal direction and is clearly not pear shaped. FIG. 1 of Panta Chica, clearly shows a housing that does not stack efficiently in the horizontal direction and is clearly not pear shaped. Claim 10 is allowable.

Claim 10 also requires an arm impression formed in the bottom of the food well. The arm impression 36 can be seen in FIG. 3 and allows the user to rest the tray on their forearm. (See Page 5, first paragraph of the specification.) The Examiner states that Pace shows the convex curve is a cutout at an end of the arch. This is clearly incorrect. There is no arch in the food well 15 of Pace. The rejection must be withdrawn. Young has a food well 12 that clearly does have an arch. Panta Chica shows an arch in FIG. 1, but FIG. 3 makes it clear that the arch is not part of the food well. Claim 10 is clearly allowable.

Claim 10 also requires two food wells. FIG. 1 of Pace clearly shows a single food well. Panta Chica shows a single food well and a number of wells for sauces. Claim 10 is allowable.

Claims 11-14 are allowable as being dependent upon an allowable base claim.

Claim 15 requires the cup well to have a plurality of compressible ribs. The Examiner points to element 17 of Pace. However, FIG. 2 of Pace clearly shows that 17 is not a rib and is not compressible. Panta Chica does not show compressible ribs and the Examiner has not pointed to any structure in Panta Chica to support the rejection. Young has three coaxial bores 24, 27 and 30 but these are not ribs. Claim 15 is clearly allowable over the prior art.

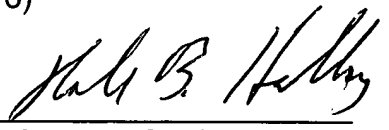
Claims 16-17 & 19-20 are allowable as being dependent upon an allowable base claim.

Claim 18 requires that the tray be designed to nest horizontally. The reason for this is it allows efficient layout of the trays in the horizontal direction on a serving preparation table or for shipping in a container as shown in FIG. 7. See page 5 of the specification. Pace, FIG. 1, clearly shows a housing that does not stack efficiently in the horizontal direction. FIG. 1 of Panta Chica, clearly shows a housing that does not stack efficiently in the horizontal direction. Claim 18 is allowable.

Prompt reconsideration and allowance are respectfully requested.

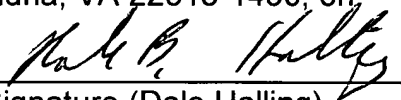
Respectfully submitted,

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I hereby certify that an Response is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, P.O. Box 1450, Alexandria, VA 22313-1450, on:

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